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ABSTRACT

There are serious problems and abuses in American education, and they are becoming more and more visible. Problems exist at all levels in accreditation, licensing, and identifying eligibility for federal funds. No set standards have been established and there is little communication between states concerning these topics. This Council recommends the use of federal funds to bring about improvements in staffing, training, and the effectiveness of these functions. The system should be as self-enforcing as possible. The following are criteria for establishing such a system: (a) schools and colleges must publish the standards and rules by which they operate; (b) an agency (perhaps the state licensing authority) should be set up to receive students' complaints; (c) the system should start quickly, although there will be a series of intermediate steps to make it more effective; (d) an effort should be made to develop the competencies and performance of those persons charged with operation, safeguarding, and improvement of the system; (e) by informing students of their rights and providing an agency to deal with complaints, students can act as monitors in the system; and (f) a center should be established to create a system which would be synergistic rather than fragmented. (PB)

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Gatekeepers in Education:

A Report on Institutional Licensing

from the

National Advisory Council on

Education Professions Development

U.S. DEPARTMENT OF HEALTH
EDUCATION & WELFARE
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Preface

In the annual report of the Council, submitted on January 31, 1975, as required by law, we mentioned that we had two reports in preparation and hoped to have them available in the Spring of 1975. Gatekeepers in Education: A Report on Institutional Change is now ready, as scheduled, and presents our recommendations pursuant to a request by the Assistant Secretary for Education presented to the Council at its meeting on September 11, 1974. In the context of education professions development, we are pleased to be able to identify a specific federal role where there is promise of cost-effective savings and improvements, in the larger context of State and local responsibility.

Copies of the report are now being distributed to interested federal and State officials, to leaders in education; after our free supply is exhausted, the report also will be available through the ERIC system.

--Lyle E. Anderson, Jr.
Chairman

April 1975

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Safeguards in Education:

A Report on Institutional Licensing

From the National Advisory Council on Education Professions Development

Not only are there abuses in American education, a lot there is evidence that the abuses are on the rise, or at least it has been increasing awareness that something should be done to protect educational consumers.

At the same time there is a strong tradition of private and local control of education. This puts into question any excessive federal effort to introduce and enforce standards of honesty and quality. Further, there is a continuing preference for educational pluralism, for diversity in higher education, for choices in postsecondary education. This makes it extremely difficult for any agency -- federal, state, local, or voluntary association -- to establish standards, much less to enforce them.

Nevertheless, the fact remains that every American school exists by permission of the state [license], or by toleration or of the state in the sense that many states have no adequate licensing laws or fail to enforce them. Accordingly we have diploma mills and high-pressure salesmen, fraudulent use of federally guaranteed loans, [illegible] who have been run out of one state only to start over a again somewhere else, school dropouts who still owe tuition, and graduates who cannot find the jobs they have been promised. To be sure, [illegible] conditions are

and academic, but they are sufficiently prevalent to call for cooperative measures to protect students and also to prevent the misuse of Federal funds. Since the Clean Air Act permitting these actions to occur are the responsibility of the States, it is to the States that we ought to look for remedies, assisted by Federal funds.

The enterprise of American education is a collaborative effort which involves several levels of government and rather heavily on voluntary standards. To point an accusing finger at the States is not very helpful, especially because the Federal interest may be more to be greater than that of the States. The Federal government has not done enough to alleviate or prevent existing problems.

In preparing this report, our Council had expected to recommend a Federal effort to strengthen the hand of the administrators and staff in the various State licensing agencies, including the State Approving Agencies. And this is what we recommend, relying on Title V of the Higher Education Act which calls for the strengthening of educational professions and their development -- the Education Professions Development Act.

Here have said, however, our Council concluded that we need to address the larger problem of educational abuse. We need to formulate a collaborative new system in which state officials can do a better job, acting with private accrediting bodies, Federal officials, school administrators, and students -- all of whom have a stake in the integrity of American schools. It is this system analysis and design which

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1. State Licensing: Every school, to be eligible for federal funding, must exist with the approval or by permission of the State. Normally we would say that it must have a state license, but in practice most state laws have so many exceptions, and so many loopholes, that the wording must be as awkward as it is here: The school must exist by permission of the State. In practice, this means that a school which has its license revoked, also will or should have its Federal eligibility revoked. Unfortunately there is no effective communication system, no clearinghouse, so that revocation does not always lead to prompt cancellation or suspension of eligibility. Because State licensing tends to reflect minimum standards, a kind of permit to exist at some minimal level, there have arisen two additional systems to determine quality: Accreditation and State Approval (for veterans).

2. Accreditation: This single word hides within it several different concepts and arrangements. There have been a few accrediting associations which were set up to deceive. They are intended to look legitimate: since accreditation is a private, voluntary matter, there is nothing much that can be done about them, although some have been abolished by court order.

In order to identify at least some of the more effective and reputable accrediting associations, the U.S. Commissioner of Education is charged by law to "recognize" them. Here is the exact wording:

> ... the Commissioner of Education shall publish a list of nationally recognized accrediting agencies and associations

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> which he determines to be reliable authority as to the quality of training offered by an educational institution....
> (38 USC 1775, emphasis added)

When educational administrators speak of recognized accrediting bodies, this is normally what they have in mind. On the other hand, the reputable National Commission for Accrediting, housed at One Dupont Circle in Northwest Washington, also recognizes accrediting associations, and the NCA list is similar to the Commissioner's list, but it is not identical. (NCA, on January 1, 1975, merged with Federation of Regional Accrediting Commissions for Higher Education (FRACHE), to form the new Council on Postsecondary Accreditation, COPA, which also recognizes accrediting bodies.)

Within the recognized accrediting bodies there are two major groupings: The regional associations which make up FRACHE perform institutional accreditation. This means that the entire college is accredited; it does not mean that all of its departments are equally good, just that the school as a whole meets the standards of the regional accrediting body.

On top of regional, institutional accreditation, there also is specialized accreditation, normally conferred by a specialized body which will accredit a specialty or department only if the college as a whole has previously been regionally accredited. Examples are the American Psychological Association or the National Council for Accreditation of Teacher Education (NCATE).

Vocational schools and business schools may apply to become members

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of such accrediting bodies as the National Association of Trade and Technical Schools or the Association of Independent Colleges and Schools (formerly the United Business Schools Association), or other specialized bodies which, if they are recognized by the U.S. Commissioner, makes the schools and their students eligible for Federally funded programs. Proprietary schools -- i.e., schools organized to make a profit -- compete for accreditation in many fields, especially in the vocational and home-study sector.

Accreditation, even when performed by an association recognized by the U.S. Commissioner, is not necessarily an indicator of quality, no matter how many students, parents, high school counselors, and newspaper columnists adhere to a different opinion. The confusion derives from the historic beginnings of accreditation, when the associations in fact sought to inspect for quality. Over the years that concept has changed, however, and the accrediting bodies now seek to determine whether each school is making satisfactory progress toward its goals. More than one critic has ridiculed this procedure by a reductio ad absurdum: This should mean that a diploma mill which openly states that its goals are to make money and to satisfy customers with educational pretensions, should be accredited if it sucessfully progresses toward its goals.

In fact, the Federal Trade Commission advises students applying for proprietary schools that accreditation is not a reliable indicator of quality; the Congress has instructed the Veterans Administration and its approval system that it may rely on accreditation but need not do so.[22]

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Most accrediting bodies will admit that they lack the funds, the staff, and the scope to inspect truly an entire school, its staff, facilities, budget, finances, and then render a timely and well-rounded verdict.

The problem with private voluntary accreditation is not that it is being done badly, but rather that State and Federal officials need some kind of a judgment in the absence of an inspection and rating staff of their own. Federal officials have no such staff, and many states do not have an effective one.

3. State Approvals: Recognizing the shortcomings of private, voluntary accreditation, the Veterans Administration spends about $10 million a year in an effort to assure the integrity of its educational programs for veterans which cost more than $2 billion in recent years. The system is mandated by law and calls for the Governor of each State to appoint a State Approving Agency whose job it is to review every course as to its eligibility for veterans benefits.

Given the thousands of courses in every state, the State Approving Agency may rely on accreditation as an alternative, despite the fact that accreditation is institutional (or departmental) and the State Approving Agency is supposed to review every course.

What is interesting about the SAA/VA system are the following points:

* It is operated by State officials but under Federal contract and reinbursement from the Veterans Administration.

* It reflects a lack of confidence in the State licensing system.

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If State licensure were effective, as indicators of quality and probity, there would be no need for the redundant State approval system.

• It reflects a lack of confidence in the accrediting bodies, even though they have been recognized by the U.S. Commissioner as providing assurance of quality of the schools they accredit. If accreditation were reliable, there would be no need to leave discretion with the States whether to rely on accreditation or not.

• The SAA/VA system does not prevent abuses and fraud, as shown by the continuing problems of the Veterans Administration. Admittedly the system works better today than it did in the late 1940's when things got so bad that the Congress and the President of the United States called for urgent improvements.[23]

• In some States, the licensing and approval functions are combined, with the same staff performing both functions. State decisions, within limits, are then verified by the Veterans Administration through so-called compliance visits. The State/Federal combination has its limits, because the Federal inspectors confine their work to administrative matters, carefully observing the prohibition against Federal control of education (meaning content, curriculum, etc.).

• Finally, when we analyze SAA/VA system through every appeal and review procedure, we wind up with a Federal determination of eligibility: The Administrator of Veterans Affairs has the last word regarding approval and eligibility. We add hastily that we know of no abuses of this authority but we do note that the decision is Federal, in accordance with the law and with V.A. regulations.

4. To close the loop, State licensing laws are heavily intertwined with accreditation. In many States, a college which is regionally accredited is exempt from licensing; i.e., the State relies on a private body for its determination of standards. Florida is an example of this. In California, there is not only a similar exemption, but the licensing standards actually derive from accreditation. Accordingly to Section 29677 (a) 2 of the Education Code, the Superintendent of Public Instruction is to make sure that his licensing staff satisfies itself that the non-accredited college is of a caliber essentially equivalent to the standard exacted by the private accrediting bodies. It is ironic that some accrediting bodies may put a school on probation, or may put conditions on its renewal or extension, while the state, which relies on accreditation, may be totally ignorant of such limitations.

We know of cases where a school had its accreditation revoked, while its license (or exemption from licensing) continued. Conversely, we know of schools which had been enjoined from certain abuses under court order, while federal eligibility continued. In still other cases, State officials clamped down under a new licensing law, while some schools closed and other merely moved to another state.

Each State, each accrediting body, and most State approving agencies could be operating at great effectiveness and with great diligence, but lacking a national clearinghouse and open accountability, the abuses sometimes merely move across state lines. It is against this defect that the Denver Conference (March 1974, convened by the Education Commission of the States) called for the establishment of a national clearinghouse to exchange relevant information.[24]

The Need for Federal Leadership and Support

Laws, regulations, and site visits all depend on in-house people. They, in turn, must have competence and dedication, as well as funds and political support to carry out their assigned responsibilities effectively.

In the case of State licensing staffs, the paraprofessionals of American education have been neglected and there is no systematic body of knowledge on how to license and approve schools. For example, we know of no American university which offers a course in techniques of site visits (which is a polite way of saying inspections), or of licensing and accreditation. Similarly, we know of no major effort to develop better techniques, to train licensing staff, to design better rating systems, to develop indicators of quality, and all of the related research projects.

There have been some scattered efforts, including by the work of Leland Medsker at the University of California, of multi-State cities under the sponsorship of the National Institute of Education, and of David Orlans and his colleagues at the Brookings Institution and the National Academy of Public Administration. Similarly, the Southern Association of Colleges and Schools runs summer workshops for the chairmen and some members of visiting teams, while the New York State Department of Education has a training course for visitors to technical schools and to two-year colleges. Further, the U.S. has made some recent efforts to run a few ship services for SAA staff, while the annual meeting of the National Association of State Approving Agencies includes some sessions where members exchange information and techniques.

What these successful efforts have in common focus, effective leverage, and the funds needed to provide staff training. Yet [illegible] under the heading of education professions development, [illegible] the use of federal funds to bring about needed improvements in the staffing, training, and effectiveness of State grantmaking functions. Ironically because most financing efforts exhaust the efforts of thousands of competent teachers and students who may be unlucky or flawed criteria of quality.

[illegible] a Self-Correcting System

Given the fragmentation of the various federal efforts, the [illegible] of the States, the separate activities of the private accrediting bodies, it is not surprising that abuses continue. Here yet, where they are known to exist, there is little effective enforcement or countermeasure, reflecting to a great extent the finding by Stanley Kaplan, Director of the Federal Office of Consumer Affairs, who [illegible] a national conference to describe that agency is in charge of protecting the educational consumer.[9]

If nobody is in charge, it follows that nobody is taking effective steps to eliminate the problematic schools and their administrators. Even though an accelerated warning or revocation may give the illusion of enforcement. If nobody is in charge, it could also be concluded -- and as empirically as not as overlook -- that there is a need for some kind of a central enforcer, assisted by a platoon of school inspectors.

Since we [illegible] central supervision and control, not a large number of inspectors representing several different federal agencies,

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the States typically disregard this requirement and a shady operator may leave one state in order to set up a new corporation in the next state. The Center would devise techniques to deal with this type of problem.

3. Establishment of an information clearinghouse: At the March 1974 meeting on consumer protection in postsecondary educaton (sponsored by the Education Commission of the States, the Federal Interagency Committee on Education, and other agencies including the V.A.) the conference report emphasized the need for a clearinghouse of information, for a sharing of data between state agencies, Federal agencies, private bodies (like accrediting agencies) and among the States.

4. Evaluation and research: There is increasing interest in enhancing honesty and quality in education, but there is not enough evaluation and research of current licensing and accrediting activities. Very little is known; the V.A., under the law, tends to support traditional methods and educational structures, in part because it lacks knowledge and evidence permitting it to encourage change and approval of innovative practices. Obviously a research and demonstration effort will help improve regulatory efforts.

5. Staff Development and Training: The State Approving Agencies now operate an annual workshop in Washington which enjoys indirect V.A. support, in part because the V.A. authorized the use of Federal contract funds for this type of travel and subsistence, and also because the V.A. provides speakers and resource persons. The State licensing staffs get

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no Federal help at all, except for general funds under Title V of ESEA.[27]

In addition, at the instigation of the Director of Benefits, the V.A. Education and Rehabilitation staff held a series of training sessions during 1974.

These efforts, though positive, lack continuity; they also would benefit from administration through an agency which is neither Federal nor State, thus offering less of a threat to either party.

The shortcomings of presently employed staff in many of the State licensing and approving agencies are well known, can be documented, and call for major improvements. The idea is not to find blame; the idea is to benefit all students. First we need to reform the system; and then we need to help the gatekeepers to operate the system in the public interest. And that is why our Council calls for the professional development of the institutional gatekeepers.#

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FOOTNOTES

1 Federal Trade Commission, Notice of Public Hearings, Federal Register, August 15, 1974, 39 F.R. 29385.

2 Meeting of the National Advisory Council on Education Professions Development, September 11-13, 1974, Washington, D.C.

3 Model State Legislation - Report of the Task Force on Model State Legislation for Approval of Postsecondary Educational Institutions and Authorization to Grant Degrees, Report Number 39, Education Commission of the States, June 1973.

4 First Conference on Consumer Protection in Postsecondary Education, March 18-19, 1974, Denver, Colorado; Second Conference on Consumer Protection in Postsecondary Education, November 14-15, 1974, Knoxville, Tennessee.

5 Odell W. Vaughn, in testimony before the House Subcommittee on Education and Training of the Committee on Veterans' Affairs, September 25, 1973.

6 Testimony before the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, Wednesday, September 18, 1974.

7 Private Accreditation and Public Eligibility by Harold Orlans, Norma Jean Levin, Elizabeth Bauer, and George Arnstein, is the result of a study at the Brookings Institution and the National Academy for Public Administration under a contract with the U.S. Office of Education.

This report will be published in abbreviated form by Lexington Books in May 1975. The full, two-volume version (October 1974) is available through the ERIC system, microfiche or printout. A limited number of multilithed copies are available through the National Academy for Public Administration.

8 Speech by Virginia Knauer, Special Assistant to the President for Consumer Affairs, at the Second National Conference on Consumer Protection in Postsecondary Education, November 14, 1974, Knoxville, Tennessee.

9 A Federal Strategy Report for Protection of the Consumer of Education, Federal Interagency Committee on Education, Subcommittee on Educational Consumer Protection, September 18, 1974.

10 Congressional Record, Washington, D.C., Thursday, April 4, 1974, reprinted from Boston Evening Globe, March 25, 1974 et seq.

11 Eric Wentworth, "The Knowledge Hustlers," The Washington Post, June 23-28, 1974.

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12 George Arnstein, "Ph.D., Anyone?" American Education, Volume 10, Number 6, July 1974; "Bad Apples in Academe," American Education, Volume 10, Number 7, August/September 1974.

13 Stanley M. Elam, Editor, "Nova, as in Innovate;" Morland, Richard B. "The External Doctorate in Education: Blessing or Blasphemy?" Phi Delta Kappan, Volume 55, Number 3, November 1973; Also, Arnstein, George, "Accreditation, State Licensing and Approvals: Why is the System Not Working?" Volume 56, Number 6, February 1975.

14 Hearings before a Subcommittee of the House Committee on Government Operations, July 16, 17, 24, and 25, 1974; "Reducing Abuses in Proprietary Vocational Education," a report by the House Committee on Government Operations, December 30, 1974.

15 Testimony before the Special Subcommittee on Education of the House Committee on Education and Labor, July 25, 1974.

16 Hearings held September 11 and 12, 1974.

17 Ineligible under the G.I. Bill of Rights since 1952 when Congress rewrote the law and eliminated many abuses.

18 "Most Veterans Not Completing Correspondence Courses -- More Guidance Needed from the Veterans Administration," Report of the Comptroller General of the United States No. B-114859, March 22, 1972, p.9.

19 Federal Trade Commission, Consumer Bulletin No. 13, U.S. Government Printing Office: 1973, p.9.

20 Peter Muirhead, Deputy Commissioner for Postsecondary Education, on July 17, 1974, testified before the Special Subcommittee of the House Committee on Government Operations regarding difficulties in determination of eligibility:

> "The objectives of some of the accrediting organizations occasionally are not targeted fully on broader public or social goals. Under present regulations, there often is nothing that can be done when such unfavorable impact occurs...." (p.20)

21 Cf. the socalled Newman Report, Report of Higher Education, U.S. Department of Health, Education, and Welfare, Washington, D.C.: 1971; and Private Accreditation and Public Eligibility, by Harold Orlans et al.

22 38 USC, 1775.

23 For details, cf. Educational Assistance to Veterans: A Comparative Study of Three G.I. Bills, Princeton: Educational Testing Service, September 1973. Reprinted by the Veterans Affairs Committees as Senate Committee Print No. 18, and House Committee Print No. 81, Sept. 1973.

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24 The Report of the National Invitational Conference on Consumer Protection in Postsecondary Education, Report No. 53, (Denver, Colorado: Education Commission of the States), June 1974.

25 The Report of the Second National Invitational Conference on Consumer Protection in Postsecondary Education is being edited by the Education Commission of the States (Pending, 1975).

26 Testimony, June 4, 1974, before the Senate Subcommittee on Appropriations for FY 1975, presented by Edward T. York, Acting Deputy Commissioner for Management. The quotation is from Peter Muirhead, Deputy Commissioner for Postsecondary Education, pp. 2755 ff. Hearings, Part 4, 93rd Congress, Second Session.

27 Murphy, Jerome. Report to USOE, Grease the Squeaky Wheel, (Lexington: 1974).